IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929

CRP.No. 650 of 2007()

OP(EA)NO.175/2002 of ADDL.DISTRICT COURT, ALAPPUZHA.
.....

REVISION PETITIONER: 1ST RESPONDENT:

THE MANAGING DIRECTOR,
POWER GRID CORPORATION OF INDIA LTD.,
NANGIARKULANGARA P.O., HARIPAD.

BY ADV. SRI.MILLU DANDAPANI

RESPONDENT: PETITIONER:

K.KARUNAKARAN,
PRADEEP BHAVANAM, KADUVINAL MURI,
VALLIKKUNNAM VILLAGE.

BY ADV. SRI.PHILIP M.VARUGHESE

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 07/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KSS

M.N. KRISHNAN, J.

= = = = = = = = = = = = = = =

C.R.P. NO. 650 OF 2007

= = = = = = = = = = = = = = =

Dated this the 7th day of December, 2007.

O R D E R

This revision petition is preferred against the award of the Addl. District Judge, Alappuzha in O.P.(EA) 175/02 whereby the Court has awarded an additional compensation of Rs.12,640/-. The learned counsel for the revision petitioner submits before me that the matter requires interference in the light of the latest decision of the Apex Court in ***K.S.E.B. v. Livisha (2007 (3) KLT page 1***) wherein the Court has held that each case has to be decided on the facts and circumstances of that case and 5% annuity factor cannot be extended to all cases.

2. I had gone through the award meticulously. The Court has opined that there are four yielding coconut trees and had awarded an additional compensation of Rs.4,240/-. It has also to be stated that there are 27 rubber saplings besides this four coconut trees. Therefore the Court took the view that the injury affected area can never exceed seven cents and not as 25 cents claimed by the petitioner. The

Court also relied upon Ext.A3 judgment of the Mavelikkara Sub Court for fixing the value of the land. It only took 30% for the diminution of the land value and awarded a compensation of Rs.8,400/-. It is true that each case has to be decided on the facts and circumstances of that case, but here extending the principle and applying it, it appears that only a reasonable compensation has been granted which does not call for any interference. Therefore, the C.R.P. is dismissed.

M.N. KRISHNAN, JUDGE.

ul/-